

Message Text

CONFIDENTIAL

PAGE 01 STATE 204353

54

ORIGIN OES-06

INFO OCT-01 ARA-06 IO-13 ISO-00 ACDA-07 AGR-05 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DLOS-06

DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00

H-02 INR-07 INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01

OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06 SAL-01

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ARA/MBX: MR. FALK

L/OES MR. COLSON

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P 172022Z AUG 76

FM SECSTATE WASHDC

TO AMEMBASSY MEXICO PRIORITY

USMISSION USUN NY PRIORITY

C O N F I D E N T I A L STATE 204353

US DEL LOS-USUN

E.O. 11652:N/A

TAGS: PFOR, EFIS, PLOS, MX

SUBJECT: US/MEXICO FISHERIES AGREEMENT

1. AS EMBASSY AWARE, USG AND GOM NEGOTIATORS HAVE NOW COMPLETED WORK ON FISHERIES AGREEMENT, AND RESULT IS DOCUMENT, WHICH, IN VIEW OF DEPT., PROVIDES REASONABLE TERMS OF ACCESS FOR U.S. FISHERMEN TO FISHERIES OFF MEXICO THEY HAVE TRADITIONALLY PURSUED. DEPT. HAS POUCHED A COPY OF FINAL TEXT. -

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 204353

2. EMBASSY ALSO AWARE THAT PROVISIONS IN AGREEMENT PROVIDING FOR 3 1/2 YEAR PHASE-OUT OF U.S. SHRIMP FISHERY ARE CONTROVERSIAL AND HAVE GIVEN RISE TO SOME OPPOSITION AMONG INDUSTRY AND CONGRESSIONAL INTERESTS. HIGHER LEVEL REVIEW IS TAKING PLACE AND IF DECISION IS MADE TO SIGN DEPT WOULD BE INTERESTED IN FINALIZING AND SIGNING DOCUMENT ASAP.

3. DEPT. WANTS TO BE AS CERTAIN AS POSSIBLE THAT NO SEIZURES BY GOM OF US FISHING VESSELS TAKE PLACE UNTIL AGREEMENT IS OPERATIVE. CASTENADA SAID IN NEW YORK DURING LAST NEGOTIATING SESSION THAT GOM WOULD FOR PRACTICAL PURPOSES NOT

ENFORCE AGAINST U.S. VESSELS WHILE TWO GOVERNMENTS WERE MOVING TOWARDS SIGNATURE. DEPT. SUGGESTS THAT EMBASSY APPROACH APPROPRIATE FONOFF CONTACTS TO CONFIRM INFORMAL UNDERSTANDING THAT NO PRECIPITOUS ENFORCEMENT WILL TAKE PLACE AGAINST U.S. VESSELS.

4. MEXICAN AND US DELS AGREED IN NEW YORK MEETING THAT EXCHANGE OF NOTES BETWEEN TWO GOVERNMENTS WOULD TAKE PLACE ON SIGNATURE DATE OF AGREEMENT REGARDING POSSIBILITY OF US VESSELS CONDUCTING EXPLORATORY FISHING IN GOM ZONE. DEPT. WOULD APPRECIATE IT IF US LOS DEL COULD DELIVER TEXT OF FOLLOWING NOTE TO CASTENADA, OR AMB. MANUEL TELLO WHO IS EXPECTING TO RECEIVE DRAFT SO THAT GOM CAN PREPARE DRAFT RESPONSE. IF NOTES ARE ACCEPTABLE TO BOTH GOVERNMENTS, EXCHANGE CAN TAKE PLACE AT TIME OF SIGNATURE IF DECISION IS MADE TO SIGN. FOLLOWING IS TEXT OF NOTE:

THE EMBASSY OF THE UNITED STATES OF AMERICA PRESENTS ITS COMPLIMENTS TO THE SECRETARIAT OF FOREIGN RELATIONS OF THE UNITED MEXICAN STATES AND ON THE INSTRUCTIONS OF ITS GOVERNMENT HAS THE HONOR TO REFER TO THE FISHERIES AGREEMENT BETWEEN MEXICO AND THE UNITED STATES, SIGNED ON THIS DATE.

THE GOVERNMENT OF THE UNITED STATES OF AMERICA, PURSUANT TO ARTICLE XIV OF THE AGREEMENT, PROPOSES TO ADDRESS FORMAL REQUESTS TO THE GOVERNMENT OF THE UNITED MEXICAN STATES ON BEHALF OF U.S. NATIONALS WHO WISH TO CONDUCT EXPERIMENTAL FISHING FOR THE PURPOSE OF DETERMINING WHETHER FISHERIES
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 204353

RESOURCES MIGHT BE AVAILABLE FOR COMMERCIAL EXPLOITATION IN THE ZONE ESTABLISHED BY MEXICO. SUCH REQUESTS SHALL INCLUDE THE FOLLOWING INFORMATION:

THE GOVERNMENT OF THE UNITED STATES SHALL SPECIFY (A) THE NUMBER OF VESSELS WHICH WOULD PARTICIPATE IN THE FISHERY, (B) THE NAME, REGISTRATION NUMBER AND HOME PORT OF EACH VESSEL, (C) THE NAME OF THE OWNER OF EACH VESSEL AND

HIS ADDRESS, (D) THE NET TONNAGE OF EACH VESSEL AND THE POWER OF ITS ENGINES, (E) THE SIZE OF THE CREW OF EACH VESSEL, (F) THE DATES EACH VESSEL WOULD BE IN THE MEXICAN ZONE, (G) THE GENERAL AREA OF FISHING OPERATIONS IN THE ZONE, (H) THE SPECIES OR SPECIES GROUPS TO BE FISHED, (I) THE TYPE OF FISHING GEAR TO BE USED.

IT IS THE UNDERSTANDING OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA THAT THE GOVERNMENT OF THE UNITED MEXICAN STATES SHALL ENDEAVOR TO REPLY TO SUCH REQUESTS OF THE UNITED STATES WITHIN THIRTY DAYS, AND SHALL INDICATE THE TERMS AND CONDITIONS WHICH SHALL PERTAIN TO SUCH FISHING, WHICH MAY INCLUDE THAT AT THE CONCLUSION OF EACH TRIP FOR SUCH EXPERIMENTAL FISHING THE MASTER OF THE VESSEL SHALL DELIVER A COMPLETED AND NOTORIZED FISHING TRIP REPORT, AS IDENTIFIED IN PARAGRAPH 3(A) OF PART I OF THE ANNEX TO THE AGREEMENT, TO THE NEAREST MEXICAN CONSULAR OFFICE. THE MASTER WILL ALSO SUBMIT A COPY OF THE REPORT TO THE APPROPRIATE REGIONAL OFFICE OF THE UNITED STATES NATIONAL MARINE FISHERIES SERVICE.

UPON COMPLETION OF EACH EXPERIMENTAL FISHING TRIP AND AFTER THE FISHING TRIP REPORT HAS BEEN DELIVERED, IT IS THE UNDERSTANDING OF THE GOVERNMENT OF THE UNITED STATES THAT IT SHALL HAVE THE OPPORTUNITY TO REQUEST ON BEHALF OF ITS NATIONALS THAT UNITED STATES VESSELS BE PERMITTED TO CONDUCT COMMERCIAL FISHING OPERATIONS IN THE ZONE PURSUANT TO MEXICAN LAW AND TO THE AGREEMENT.

THE EMBASSY OF THE UNITED STATES OF AMERICA AVAILS ITSELF OF THIS OPPORTUNITY TO RENEW THE ASSURANCES OF ITS HIGHEST CONSIDERATION. KISSINGER

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